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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,689	03/29/2004	Mitsuhiro Naito	118407	1104

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,689

Applicant(s)

NAITO ET AL.

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-17 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3/29/04.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old (specification, page 1, section 005; page 4, section 0018) is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 16, and 17 are objected to because of the following informalities:

Independent claims 1, 16, 17 call for "instructing, prior to initiating start-up of a navigation device, a communication portion to communicate with a server".

On the other hand, as disclosed in the specification page 7, sections 0036 and 0047, the communication portion 38 is part of the navigation device 15. Therefore, when the communication portion 38 communicates with a server, it is also

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interpreted that it is the navigation device 15 that communicates with the server since 38 is part of 15. Hence the limitation “instructing, prior to initiating start-up of a navigation device, a communication portion to communicate with a server” is not clear. The applicant is advised to revise and correct all the claims.

Appropriate action required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamoto (US 6907255).

Regarding claim 1 (as best understood), Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40) disclose a method for communicating a navigation device 81 with a server, comprising:

instructing, prior to initiating start-up of a navigation processing portion 91 of a navigation device 81 (fig. 2), a communication portion 98 of the navigation

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device 81 to communicate with a server 86 (fig. 1; col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67);

starting-up the communication portion 98, the communication portion connected to the navigation processing portion 91 of the navigation device 81 (fig. 1; col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67);

communicating with the server 86 using the communication portion 98; and starting-up, after the communication portion 98 has started-up, portions (95, 93, etc) of navigation device unnecessary for communication .

Regarding claim 2, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the method of claim 1, wherein starting-up the communication portion comprises starting-starting up a network driver.

Regarding claim 3, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the method of claim 2, wherein starting-up the network driver comprises starting up a wireless LAN program

Regarding claim 4, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the method of claim 2, wherein starting-up the network driver comprises starting up a TCP/IP program.

Regarding claim 5, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the method of claim 1, wherein starting-up portions of the

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navigation device unnecessary for communication comprises starting-up drivers and programs unnecessary for communication.

Regarding claim 6, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the method of claim 1, wherein starting-up the communication portion comprises initiating starting-up the navigation device.

Regarding claim 7 (as best understood), Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40) disclose a navigation device, comprising:

a communication portion 98 that is configured to communicate with a server 86 that distributes data (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9); and

a data storage portion (RAM, col. 6, lines 30-59) that stores the data that is distributed from the server, wherein when start-up of the navigation device 81 is initiated, communication with the server is executed and the distributed data is downloaded prior to completion of start-up (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9).

Regarding claim 8, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, further comprising a controller that: initiates start up of the navigation device; starts-up the communication portion; instructs the communication portion to communicate with the server, prior to completion of start-up of the navigation device.

Regarding claim 9, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, further comprising: at least one of a display portion and a voice output portion, wherein after start-up of the navigation device is completed, data stored in the data storage portion is at least one of displayed on the display portion and voice output from the voice output portion.

Regarding claim 10, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, wherein when an operating system starts up following initiation of start-up of the navigation device, a network driver starts up and the distributed data is downloaded, and then start-up of a device driver other than the network driver and an application program is executed.

Regarding claim 11, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, wherein data that is pre-set is downloaded from the server.

Regarding claim 12, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, wherein the communication portion is a wireless local area network device.

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Regarding claim 13, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, wherein the communication portion is a removable cellular terminal.

Regarding claim 14, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, wherein the communication portion communicates directly with the server.

Regarding claim 15, Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40; cols. 5, 8, 9) disclose the navigation device of claim 7, wherein the communication portion communicates with an information terminal, the information terminal connected to the server through a network.

Regarding claim 16 (as best understood), Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40) disclose a navigation device, comprising:

means for instructing, prior to initiating start-up of a navigation processing portion of a navigation device, a communication portion of the communication device to communicate with a server 86 (fig. 1; col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67);

means for starting-up the communication portion 98, the communication portion connected to the navigation portion of the navigation device 81 (fig. 1; col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67);

means for communicating with the server 86 using the communication portion (fig. 1; col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67); and

means for starting-up, after the communication portion has started-up, portions of navigation device unnecessary for communication (fig. 1; col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67).

Regarding claim 17 (as best understood), Kawamoto (abstract; figs. 1-4, 9; col. 6, lines 26-40) disclose a storage medium (RAM, ROM; fig. 2)) storing a set of program instructions executable on a data processing device 91 and usable for communicating a navigation device with a server 86, the set of program instructions comprising:

instructions for instructing, prior to initiating start-up of a navigation device, a communication portion to communicate with a server (col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67);

instructions for starting-up the communication portion, the communication portion connected to the navigation device col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67);

instructions for communicating with the server using the communication portion col. 6, lines 3-7, lines 25-40; col. 9, lines 33-67); and

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instructions for starting-up, after the communication portion has started-up, portions of navigation device unnecessary for communication (col. 6, lines 26-40; cols. 5, 8, 9).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following: US006490521B2, US006614363B1, US006622083B1, US 20040204069A1, US 20020136381A1 all disclose a navigation device.

Communication

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571/272/6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronnie Mancho
Examiner
Art Unit 3663

6/25/05


JACK REITH
PRIMARY EXAMINER
SPE 3663